

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

LARRY A. RATAJ,

Plaintiff,

v.

CASE NO. 07-10565  
HON. LAWRENCE P. ZATKOFF

COMMISSIONER OF  
SOCIAL SECURITY

Defendant.

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**OPINION AND ORDER ADOPTING MAGISTRATE  
JUDGE'S REPORT AND RECOMMENDATION**

Plaintiff filed the instant action seeking Social Security disability insurance benefits. This matter is currently before the Court on Magistrate Judge Pepe's Report and Recommendation of February 29, 2008, in which the Magistrate Judge recommends that Plaintiff's Motion for Summary Judgment be granted in part, and Defendant's Motion for Summary Judgment be denied. Neither party has filed an objection to the Magistrate's Report and Recommendation.

After a thorough review of the court file, the respective parties' motions, and the Report and Recommendation, this Court will adopt the Report and Recommendation and enter it as the findings and conclusions of this Court. Therefore,

IT IS ORDERED that Plaintiff's Motion for Summary Judgment is GRANTED in part and Defendant's Motion for Summary Judgment is DENIED.

IT IS FURTHER ORDERED that this case be REMANDED to the Commissioner for further proceedings consistent with this Order. In particular, the Administrative Law Judge shall address (1) the ambiguities in the dates on which Plaintiff treated with Dr. Ianni; (2) whether Dr. Ianni is a treating or consulting physician, and the level of deference that should be given to his findings and

diagnoses; and (3) whether Plaintiff's depression, under the analysis required by 20 C.F.R. § 404.1520a, constitutes an additional impairment developed after Plaintiff's initial award of benefits such that it precludes Plaintiff from performing other work in the national economy.

IT IS SO ORDERED.

s/Lawrence P. Zatkoff  
LAWRENCE P. ZATKOFF  
UNITED STATES DISTRICT JUDGE

Dated: April 1, 2008

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of this Order was served upon the attorneys of record by electronic or U.S. mail on April 1, 2008.

s/Marie E. Verlinde  
Case Manager  
(810) 984-3290